

Larry James Washington,
Petitioner
v.
Jo Gentry, et al.,
Respondents

Order Denying Motions

Pro se petitioner Larry Washington is an inmate at the Southern Desert Correctional Center serving two life sentences for second-degree kidnapping while using a deadly weapon and assault with a deadly weapon.¹ He petitions for a writ of habeas corpus under 28 U.S.C. § 2254,² and respondents move to dismiss it.³ Washington requests additional time to respond to the dismissal motion,⁴ moves for appointment of counsel,⁵ and asks me to take judicial notice of more than 100 pages of documents.⁶

Respondents oppose Washington’s request for more time, arguing that he already responded to their dismissal motion.⁷ Respondents are correct: Washington responded to the dismissal motion in a document entitled “Petitioner’s Motion in Opposition To Respondent’s

¹ NEV. DEP'T OF CORR. (Feb. 9, 2018) <http://doc.nv.gov/Inmates/Home/> (inmate search by name Larry Washington or offender ID 24573).

² ECF No. 6.

³ ECF No. 9.

⁴ ECF No. 20.

⁵ ECF No. 21.

⁶ ECF No. 23.

⁷ ECF No. 27.

1 [sic] Motion To Dismiss.”⁸ So, his request for more time is moot, and I deny it. I also deny his
2 renewed motion for appointment of counsel because the only new bases that he asserts are that he
3 cannot afford a lawyer, has limited access to the law library, and has an inmate in Nevada is
4 writing his motions for him and mailing them to him in Arizona.⁹ Since filing his motion,
5 Washington has been transferred back to Nevada, so his third new basis is no longer relevant.¹⁰
6 And as I said in my previous order denying his first motion for appointment of counsel, “[i]t
7 appears that [Washington] has the ability to communicate his issues, which are not so complex
8 that denial of counsel would amount to a denial of due process.”¹¹ His renewed motion is
9 therefore denied.

10 And finally, the documents that Washington wants me to take judicial notice of are
11 argumentative in nature and appear to respond to respondents’ dismissal motion.¹² Judicial
12 notice is thus inappropriate.¹³ I will consider these documents, along with the several exhibits
13 that Washington filed,¹⁴ when deciding the motion to dismiss.

14 Accordingly, IT IS HEREBY ORDERED that Washington’s renewed motion for
15 appointment of counsel **[ECF No. 21]** and request for me to take judicial notice **[ECF No. 23]**
16
17
18
19
20

21 ⁸ ECF No. 22.

22 ⁹ ECF No. 21.

23 ¹⁰ ECF No. 25.

24 ¹¹ ECF No. 4 at 2.

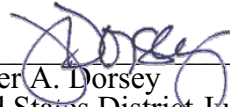
25 ¹² ECF No. 23.

26 ¹³ FED. R. EVID. 201.

27 ¹⁴ ECF Nos. 23-1, 24.

1 **are DENIED.** IT IS FURTHER ORDERED that Washington's motion for an extension of time
2 **[ECF No. 20] is DENIED as moot.**

3 DATED: February 16, 2018.

4 
5 Jennifer A. Dorsey
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28